

Group VI: Claims 8, 12, 13, 17, 19, 20, 21-23, 29, drawn to preparation of N-formyl- α -L-aspartyl-L-phenylalanine methyl ester by an enzyme condensation or depending from claims that require an enzyme condensation.

Applicants elect, with traverse, Group IV, Claims 5, 6, 14, 15, 26, 27, and 34, for further prosecution.

The Office has characterized the inventions of Groups I-VI as unrelated. Citing MPEP §806.04 and MPEP §808.01, the Office concludes that “in the instant case the different inventions either have different functions, i.e., prepare different compounds, or have different modes of operation, i.e., perform different reactions.” However, Applicants note that the Office has merely stated its conclusion, which is simply a restatement of the test for relatedness. At no point has the Office provided any reasons and/or examples to support this assertion. In fact, Applicants note that Groups I-VI are related as the claims of Groups II-VI ultimately depend from Group I and, thus, these groups are related by dependency. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, particularly in view of the fact that Groups I-II and Groups IV-VI are classified in the same subclasses, respectively.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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